



THE HUMANE SOCIETY
OF THE UNITED STATES

SENATE JUDICIARY

Exhibit No. 1
Date: 3/25/15
Bill No. HB 378

Testimony in Support of H.B. 378
Presented to the Senate Judiciary Committee
March 25, 2015
By Tom Ebzery
The Humane Society of the United States

I am submitting testimony as a proponent for HB 378 on behalf of The Humane Society of the United States. Animal fighting is a felony in Montana.

What is animal fighting? Dog fighting is a sadistic "contest" in which two dogs are placed in a pit to fight each other for the spectators' entertainment and gambling. Under-performing dogs are often killed by extremely cruel means such as drowning or electrocution. Anyone that paid attention to the high profile Michael Vick dogfighting case understands that the voting public abhors dogfighting and favors strong policies to eradicate this scourge.

Numerous law enforcement raids have unearthed many disturbing facets of this illegal "sport." Young children are sometimes present at the events and illegal gambling is the norm for animal fighting. The DEA has done multiple drug cartel cases where narcotics were being distributed through cockfighting pits. In our neighboring state of Idaho a triple homicide in Oneida County was linked to dogfighting. Two infants were found alive, sitting in their parent's blood. A large dogfighting operation was in the back of the property. The killers were never caught, but law enforcement believes a major dogfighting event was held at the property the week before.

Simply put, animal fighting is a criminal activity that brings with it a range of other crimes. We know that animal fighters seek out the locales with the weakest penalties or biggest loopholes in their animal fighting laws, and they set up shop there. When omissions in our state law make our state an attractive destination for animal fighters we put our communities at risk.

Spectators provide much of the profit associated with animal fighting. The money generated by spectator admission fees and gambling dollars help finance these criminal operations. Even worse, many dogfighters and cockfighters use the spectator loophole to avoid prosecution. They simply abandon their animals at the first sign of a raid and claim to be present as mere spectators. In a dog fight the owner of a dog sometimes pays someone else to handle the dog in the fight while they sit in the stands, watching and gambling on the outcome. HB 378 would close this loophole and ensure the entire cast of characters that sustain illegal animal fights are prosecuted.

Currently, Montana is the only state in the entire nation with no penalties for attending dog fights and one of only seven that allows attending cockfights. Yet it is clear, from the title of the existing statute, that there was legislative intent to prohibit all aspects of dogfighting and cockfighting, including attending these spectacles. Let's keep our communities safe from the illegal activities that go along with this criminal operation. I urge you to support HB 378.

Animal Fighting Spectator H.B. 378

What is the Animal Fighting Spectator bill?

- An amendment to the current Animal Fighting law 45-8-210 that closes a loophole for spectators who attend an animal fight.
- Makes it a misdemeanor for a person 18 years old and older to knowingly attend any exhibition in which animals are fighting for the purpose of sport, amusement, or gain.
- Those that are convicted will pay a fine in an amount not exceeding \$500.

What is animal fighting?

- Dogfighting is a sadistic "contest" in which two dogs—specifically bred, conditioned, and trained to fight—are placed in a pit (generally a small arena enclosed by plywood walls) to fight each other for the spectators' entertainment and gambling. Fights average one to two hours, ending when one of the dogs will not or cannot continue.
- Cockfighting is a centuries-old blood sport in which two or more specially bred birds, known as gamecocks, are placed in an enclosed pit to fight, for the primary purposes of gambling and entertainment. A typical cockfight can last anywhere from several minutes to more than half an hour and usually results in the death of one or both birds.

Do we have animal fighting in Montana?

- A professional dogfighting event was raided in Mississippi recently and of the 200 people present, most escaped. A car was found with Montana tags.
- A national cockfighting magazine also mentioned cockfighters in Montana.
- A recent cockfighting raid in Laramie County, WY shows this crime is present in the region.
- Even more gruesome was a triple homicide in Idaho, linked to dogfighting.
- These crimes are spreading in the region and we do not want Montana to become a magnet for this illegal sport that is often accompanied by illegal drugs and firearms.

Why do we need to include spectators in the law?

- Animal fighting is a Public Safety and Human Health issue. Spectators play a crucial role in animal fighting, generating the bulk of the revenue for this illegal sport.
- Animal fighters use the spectator loophole to avoid prosecution by dumping their animals at the first sign of a raid and pretending to be there to watch.

How will this affect rodeos?

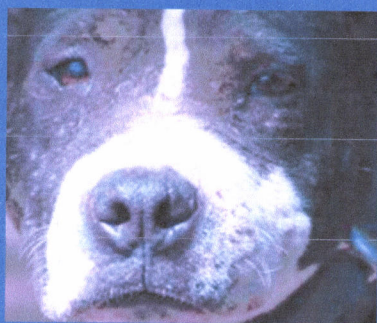
- The law already exempts the following:
 - (a) accepted husbandry practices used in the raising of livestock or poultry;
 - (b) the use of animals in the normal and usual course of rodeo events; or
 - (c) the use of animals in hunting and training as permitted by law.
- This amendment does not change these exemptions and has no effect on rodeos.

How many states prohibit attending dog fights? Cockfights?

- Montana is the *only* state in the country that does not prohibit attending dog fights.
- Montana is one of only seven states that do not prohibit attending cockfights.

factsheet

Close Loophole for Spectators Who Attend an Animal Fight -Yes on HB 378



What this bill will do:

- The title of Montana's Animal Fighting law references spectators (**45-8-210. Causing animals to fight -- owners, trainers, and spectators -- penalties -- exception -- definition.**) However, the wording for spectators was omitted from the body of the statute. HB 378 will fix this omission.
- HB 378 makes it a misdemeanor for a person 18 years old or older to knowingly attend any exhibition in which animals are fighting for the purpose of sport, amusement, or gain.
- Those who are convicted will pay a fine in an amount not exceeding \$500.

Why this bill is needed:

- **Animal Fighting is a Public Safety and Human Health issue.** Young children are sometimes present at the fights and illegal gambling is the norm at animal fights. A triple homicide in Idaho was recently linked to dogfighting.
- Spectators play a crucial role in animal fighting, often paying hundreds or thousands of dollars in admission fees and gambling bets, generating the bulk of the revenue for this illegal enterprise. **The fights would not occur without spectators** betting on the outcome of this illegal sport.
- Animal fighters use the spectator loophole to avoid prosecution by dumping their animals at the first sign of a raid and pretending to be there just to watch.

Montana is the *only* state in the country that does not prohibit attending dog fights. It is also one of only seven states that do not prohibit attending cockfights.



THE HUMANE SOCIETY
OF THE UNITED STATES

Printed on recycled paper

Celebrating Animals | Confronting Cruelty

2100 L Street, NW Washington, DC 20037
t 202.452.1100 f 202.778.6132 humanesociety.org



HUMANE SOCIETY
LEGISLATIVE FUND™



BILLINGS GAZETTE

Gazette opinion: Montana must fix loophole in dog fighting law

MARCH 16, 2015 12:00 AM

Dog fighting — forcing dogs to fight till one is dead or too severely injured to fight back — is a felony in all 50 states, according to the Animal Legal and Historical Center at Michigan State University.

Being a spectator at a dog fight also is illegal in 49 states. Montana is the only state that has failed to close this loophole that allows people to profit from horrendous violence against dogs.

Last week, the Montana House agreed. On a vote of 74-25, representatives gave final approval to House Bill 378, which would make Montana a place where it's illegal to knowingly attend dog fights and cock fighting.

Sponsored in the House by Rep. Tom Richmond, R-Billings, HB378 now moves to the Senate where it is sponsored by Sens. Doug Kary, R-Billings, and Jonathan Windy Boy, D-Box Elder.

The bill would amend the state law against animal fighting to add:

“A person 18 years of age or older who knowingly attends any exhibition in which animals are fighting for the purpose of sport, amusement or gain is guilty of a misdemeanor and may be fined an amount not exceeding \$500.”

The present statute already makes clear that “causing animals to fight” doesn’t include accepted husbandry practices in raising livestock or poultry, normal rodeo events or hunting. HB378 retains that language.

Montana’s neighboring states have stiffer penalties for attending animal fight events. In Wyoming, the maximum penalty is six months in jail and a fine of \$750. In many states, attending an animal fight is a felony.

“If you don’t have a penalty for being a spectator, everyone becomes a spectator,” Richmond explained in a telephone interview last week. “It’s like a kegger where everyone scatters.”



- The bill wouldn't affect any activities other than the bloody exhibitions of dogs or chickens tearing each other up for the amusement of gamblers.
- Fighting dogs are conditioned to fight, often by using other dogs as bait for practice. In cock fights, a blade or other sharp metal object is attached to the chickens' legs so they can cause more injury to their opponent birds.

Dog fighting and cock fighting are inhumane. Such activities are counter to the Montana tradition of animal husbandry and caring properly for one's animals as companions, workers or food sources.

All lawmakers should see the wisdom in this bill. The purpose is to discourage animal fights and to ensure that if fights are held, the instigators will be held accountable.

We commend Richmond, Kary and Windy Boy for working to close this loophole in Montana law. Thanks to these Yellowstone County area representatives who voted last week to strengthen the law against these inhumane practices: Tom Berry, Virginia Court, Geraldine Custer, Jeff Essmann, Clayton Fiscus, Dave Hagstrom, Don Jones, Jessica Karjala, Kathy Kelker, Sarah Laszloffy, Margaret MacDonald, Kelly McCarthy, Carolyn Pease-Lopez and Vince Ricci.

We call on senators to join Kary and Windy Boy in fixing the nation's most lenient animal-fighting law.

Posted: Mar 16, 2015 11:56 AM MDT

<http://www.kxlh.com/>

Dog fight spectators in Montana could get bitten by new law

By Aja Goare - Q2 News
agoare@ktvq.com

BILLINGS - Dog fighting is a felony in all 50 states and it's illegal to be a spectator at a dog fight in every state but two: Hawaii and Montana.

A loophole in current Montana law enables people to attend a dog fight so long as he or she does not host or initiate the fight.

Dog fighting in the Treasure State is a felony and is punishable by up to five years in prison and a \$5,000 fine.

While Montana law prohibits a person from knowingly permitting a dog fight, there is no restriction on spectating.

A new law proposed by Rep. Tom Richmond, (R - Lockwood), would make it illegal to even watch a fight.

House Bill 378 is gaining support in the legislature with a 74 to 25 vote in its third reading Friday.

The bill would make spectating a misdemeanor which is punishable by a \$500 fine.

HB 378 would not alter the current statute that allows husbandry practices used in the raising of livestock or poultry, use of animals in rodeo events, or the use of animals for hunting and training.

A similar bill was proposed in 2013 but did not pass.

Montana: Make it a Crime to Watch Dog Fights, a petition created on a website called Care2 Petitions, had garnered 11,839 signatures as of Monday.

The page states that the petition will be used to pressure legislators into passing HB 378.

In Wyoming, dog fight spectators can be charged with a misdemeanor and fined up to \$750 and sentenced to six months imprisonment for the first offense.

The second misdemeanor offense is punishable by up to one year in prison and a \$5,000 fine.

Montana's bill will now go to the Senate for a first hearing. A date has not been set.